

PATENT

Atty. Dkt. No. 113692CON-1

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are unpatentable under the judicially created doctrine of obviousness-type double patenting, or obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in condition for allowance.

I. REJECTION OF CLAIMS 42, 49 AND 50 UNDER JUDICIALLY CREATED DOCTRINE OF DOUBLE PATENTING

The Examiner rejected claims 42 and 49 under judicially created doctrine of double patenting over claims 1-24 of U.S. Patent 6,654,563, issued on November 25, 2003, hereinafter referred to as "Darcie" in view of US Patent 6,523,177, issued on February 18, 2003, hereinafter referred to as "Brown" and further in view of US Patent 6,147,786, issued on November 14, 2000, hereinafter referred to as "Pan" and claims 1-8 of US Patent 6,751,417, issued on June 15, 2004, hereinafter referred to as "Combs" in view of Brown.

Moreover, the Examiner rejected claims 42 and 49 under judicially created doctrine of double patenting over claims 38 and 42 of copending Application No. 10/721,864, hereinafter referred to as "Combs II" in view of Brown.

The Examiner has also rejected claim 50 under judicially created doctrine of double patenting over claims 1-24 of Darcie in view of Pan and claims 1-8 of Combs in view of US Patent 5,521,734, issued on May 28, 1996, hereinafter referred to as "Frigo."

Finally, the Examiner rejected claim 50 under judicially created doctrine of double patenting over claims 38 and 42 of Combs II.

In response, the Applicants enclose three terminal disclaimers to overcome the present judicially created doctrine of double patenting. It is respectfully requested that the present rejection be withdrawn.

II. REJECTION OF CLAIM 50 UNDER 35 U.S.C. § 103

The Examiner has rejected claim 50 in the Office Action under 35 U.S.C. § 103 as being unpatentable over Feldman in view of Frigo (U.S. Patent No. 5,521,734, issued

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May 28, 1996, hereinafter referred to as "Frigo"). Responsive to the Examiner, Applicants have canceled claim 50 without prejudice. Applicants reserve the rights to file a continuation application to continue prosecution of the canceled claim. It is submitted that the present rejection is now moot.

Conclusion

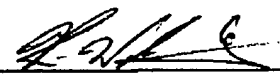
Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. § 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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